

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

OWNERS INSURANCE COMPANY,

Plaintiff,

v.

JACK L. DEAL; MICKIE L.
DEAL; LEWIS PROPERTIES, LLP;
WALTER M. LEWIS; THOMAS E.
LEWIS, SR.; RANDY LEWIS,

Defendants.

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CV 617-114

O R D E R

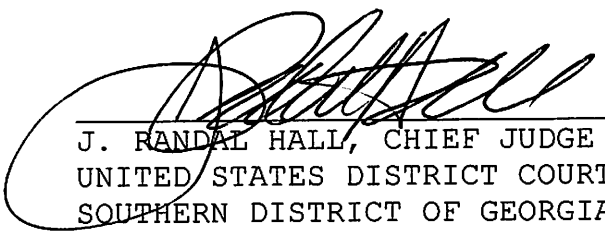
Pending before the Court is Plaintiff's motion to dismiss without prejudice. (Doc. 39.) This declaratory judgment action arose out of a lawsuit filed in the State Court of Bulloch County, civil action file number ST2017CV024, by Defendants Jack and Mickie Deal against Defendants Lewis Properties, LLP, Walter M. Lewis, Thomas E. Lewis, Sr., and Randy Lewis. Plaintiff sought a declaration from this Court that it had no duty to defend or indemnify the Lewis Defendants in the underlying lawsuit. Instead, the Deal Defendants and the Lewis Defendants reached a settlement and on September 10, 2018, the Deal Defendants filed a voluntary dismissal in the state court lawsuit. (Dismissal With Prejudice, Doc. 39-1, Ex. A.) Plaintiff argues this action is now moot and

seeks a dismissal without prejudice under Federal Rule of Civil Procedure 41(a)(2).

To date, the Deal Defendants have not filed any responsive pleadings and the Lewis Defendants do not have any pending counterclaims or crossclaims. The only pending motion is Plaintiff's motion for summary judgment, which does not preclude its own motion for dismissal without prejudice. See FED. R. CIV. P. 41(a)(2). Accordingly, upon due consideration, Plaintiff's motion for dismissal without prejudice (doc. 39) is **GRANTED**.

IT IS THEREFORE ORDERED that Plaintiff's action against Defendants is **DISMISSED WITHOUT PREJUDICE**. The Clerk is directed to **TERMINATE** all motions and deadlines and **CLOSE** this case.

ORDER ENTERED at Augusta, Georgia, this 16th day of October, 2018.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA